PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , MAY 10 , 1988

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING May 10, 19 88, IN Regular SESSION. PRESIDENT Thomas C. Henry IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P, BURNS P, GiaQUINTA P,
HENRY P, LONG P, REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR April 26, 19 88
, 19 ,
SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 10th day of May, 1988, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

_____
SANDRA E. KENNEDY, CITY CLERK

All America City

Most Livable City

THE CITY OF FORT WAYNE

26 April 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-87-09-29

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

GCU 337-M

FACT SHEET

Z-87-09-29
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From B-3-B to B-4

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
522 - 528 Lower Huntington Road

Reason for Project
To implement a rental business.

Discussion (Including relationship to other Council actions)

21 September 1987 - Public Hearing

Michael Walker, petitioner, stated that he is presently using the property for a motorcycle repair shop and wants to open an implement a rental business, which requires a B-4 zoning.

Janet Bradbury questioned if he was aware of that the staff had recommended a landscape buffer against the residentially zoned properties.

Mr. Walker stated that there is a 6 foot privacy fence to the rear, and a fence to the west. Mr. Walker stated that the front is used for a driveway and parking area.

It was suggested that Mr. Walker meet with the landscape staff of CD&P.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Michael Walker **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

28 September 1987 - Business Meeting

Motion was made and seconded that the ordinance be returned to the Common Council with a DO PASS recommendation contingent upon the following condition being met:

1) The petitioner provide a landscape buffer against the RB zoned properties, meeting the requirements of the CD&P Landscape Architect.

Of the nine member present eight (8) voted in favor of the motion one (1) did not vote, motion carried.

NOTE: The petitioner provided said landscape buffer to the staff of CD&P and it has been approved as of April 25, 1988.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 19 August 1987

Projected Completion or Occupancy **Date** 26 April 1988

Fact Sheet Prepared by **Date** 26 April 1988

Patricia Biancaniello

Reviewed by **Date** 5/4/88

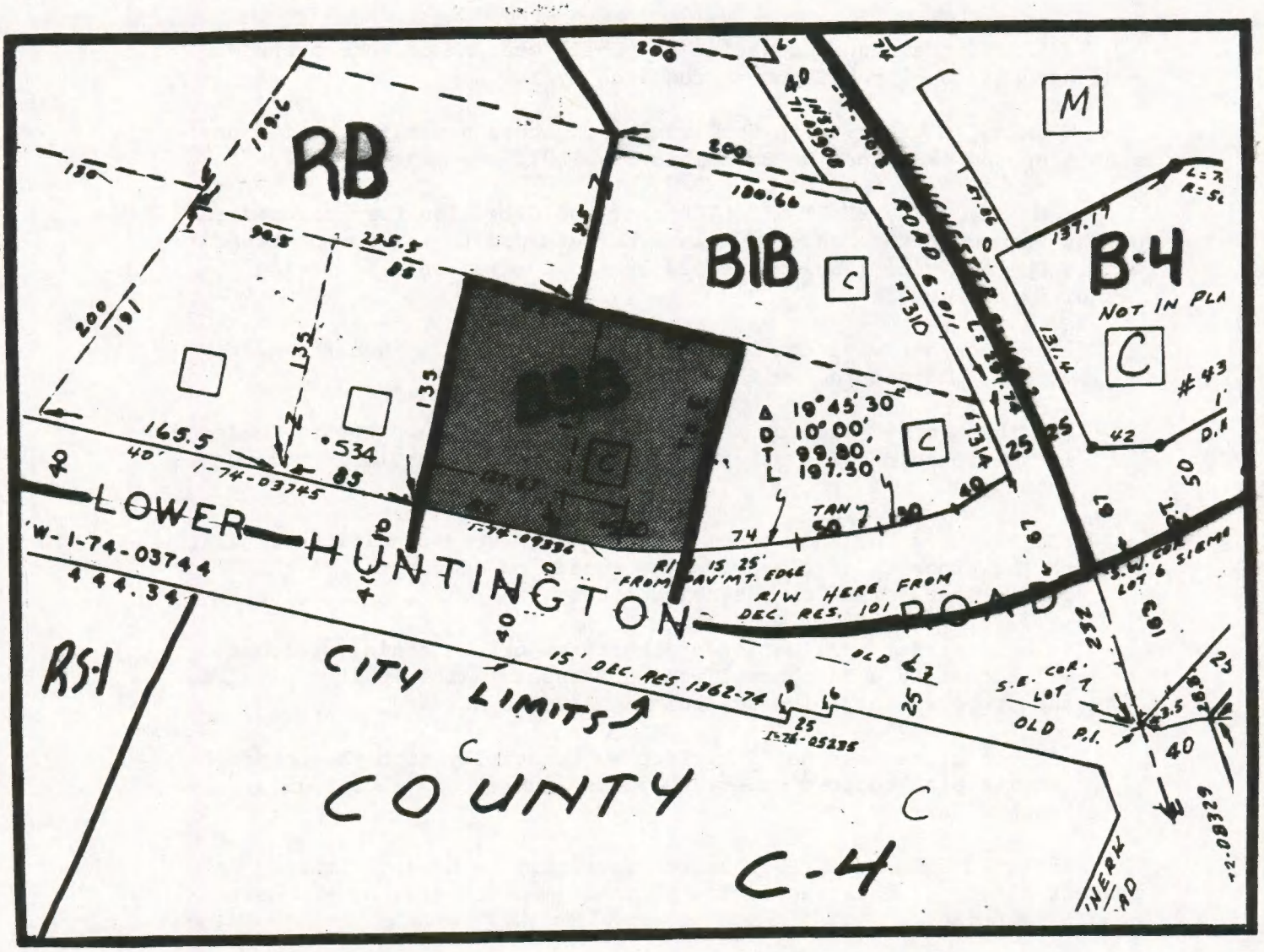
Reference or Case Number

REZONING PETITION # 279

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B3B DISTRICT TO A B4 DISTRICT

MAP NO. L-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

RB RESIDENCE 'B'
B1B LIMITED BUSINESS 'B'
B4 ROADSIDE BUSINESS
B3B GENERAL BUSINESS 'B'
C4 ROADSIDE COMMERCIAL
RS-1 SUBURBAN RESIDENTIAL

LAND USE:

□ SINGLE FAMILY
[M] MULTI-FAMILY
[C] COMMERCIAL

L.W.

SCALE: 1"=100'

DATE: 8-28-87

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 22, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-87-09-29; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 21, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held September 28, 1987.

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

Micheal J. Walker requests a change of zone from B-3-B to B-4.

Location: 522-528 Lower Huntington Road

Legal: West 170' of the east 480.8' of the south 175' of Lot 7 in Godfrey's Part., 7th Simeon's Sub. except hwy.

Land Area: Approximately 0.68 Acres

Zoning: B-3-B

Surroundings:			
	North	RB / B-1-B	Residential / Commercial
	South	RS1 / C-4	Open / Commercial(County)
	East	B-1-B / B-4	Commercial
	West	RB	Residential

Reason for Request: Implement rental business

Neighborhood Assoc.:

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezonings and development plans should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the South Sector of the Outer Ring, where this request is located, is to actively encourage development. The other three corners of this intersection can accommodate uses typical of this proposal and the Comprehensive Plan would allow for this type of development.

Landscape: Provide dense landscape buffer between new B-4 property and RB district to the west. Provide min. 3 ft. high screen between present and future parking and the view from the street.

Neighborhood Plan: No Comment

Planning Staff Discussion:

This property is located at the city limits, with the county having jurisdiction over the south side of the street. The property to the east of Winchester Road is zoned B-4, and the area of the county's jurisdiction is C-4 (their equivalent designation).

The Comprehensive Plan indicates commercial uses as being allowed at this intersection location, and is supported by actual development. The site in question is currently zoned B-3-B and is used commercially. While we have some concern regarding the impact of the residential properties to the west, the request appears to be appropriate in terms of the Comprehensive Plan and existing land uses.

Recommendation: Conditional Approval, contingent upon the petitioner provide a landscape buffer against the RB zoned properties, meeting the requirements of the C.D. & P. Landscape Architect.

1) Approval would be in keeping with the Comprehensive Plan as it impacts this area.

2) Approval would be compatible with existing land uses.

3) Approval would be compatible with the existing zoning designation on the south side of Lower Huntington Road, which under the county's jurisdiction.

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THE CITY OF FORT WAYNE

26 April 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-04-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

GCU 337-M

FACT SHEET

Z-88-04-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From RA to B-2-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
A parcel on the south side of St. Joe Center Road, immediately west of the existing Marketplace of Canterbury

Reason for Project

Enlargement of existing center for future growth.

Discussion (Including relationship to other Council actions)

18 April 1988 - Public Hearing

Thomas Blee, attorney representing the petitioner and owner of the Marketplace of Canterbury appeared before the Commission. Mr. Blee stated that the parcel in question is no longer suitable for residential use. He stated that it is adjacent to the center and has no access except over and across the parking lot which serves the Marketplace of Canterbury. He stated the best use possible and the only use would be as part of the shopping center.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the six (6) members present 5 voted in favor of the motion one (1) did not vote.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** H. Stanley Liddel, Jr. **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 21 March 1988

Projected Completion or Occupancy Date 26 April 1988

Fact Sheet Prepared by Date 26 April 1988

Patricia Biancaniello

Reviewed by Date 5/4/88

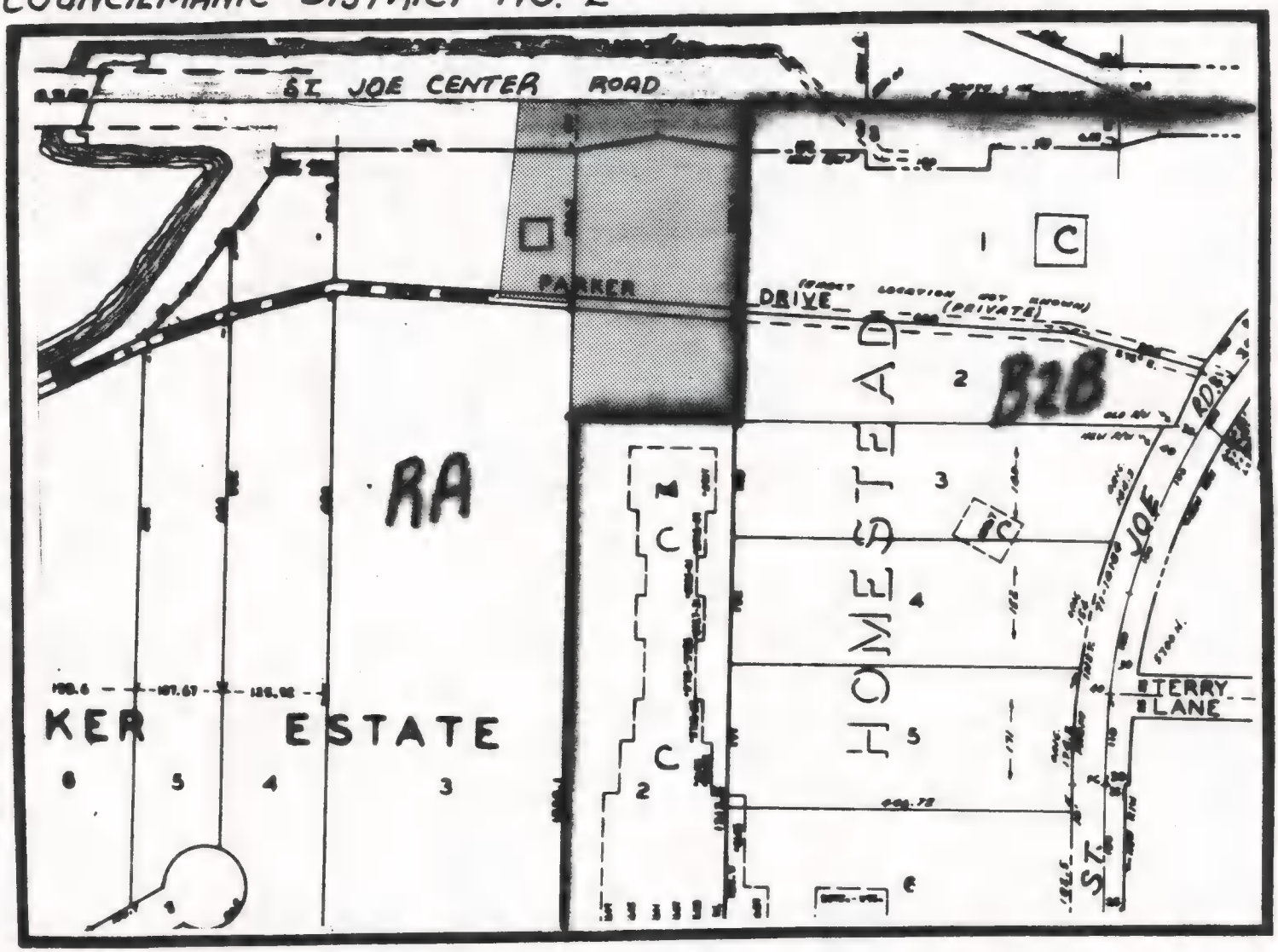
Reference or Case Number

REZONING PETITION #333

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B2B DISTRICT.

MAP NO. Q-34

COUNCILMANIC DISTRICT NO. 2



ZONING:

RA RESIDENCE 'A'

B2B COMMUNITY SHOPPING CENTER

LAND USE:

- ☐ SINGLE FAMILY
- [M] MULTI-FAMILY
- [C] COMMERCIAL

N

SCALE: 1"=200'

DATE: 3-29-88

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-04-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1988.

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

Thomas J. Blee, attorney for H. Stanley Liddell, Jr., requests a change of zone from RA to B-2-B.

Location:	On St. Joe Center Road, immediately west of the existing Marketplace of Canterbury Shopping Center.		
Legal:	See File		
Land Area:	Approximately 1.8 Acres		
Zoning:	RA		
Surroundings:	North	RA	Residential
	South	B2B	Planned Shopping Center
	East	B2B	Planned Shopping Center
	West	RA	Residential
Reason for Request:	Enlargement of existing center for future growth.		
Neighborhood Assoc.:	None		
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezonings and other development proposals should be compatible with existing and planned land uses, and should not establish an undesirable precedent in the area to be developed. The goal in the Northeast Sector, where this request is located, is to maintain a balanced development pattern within the urban service area.		
Neighborhood Plan:	No Comment.		
Landscape:	No comment received.		

Planning Staff Discussion:

This petition for rezoning has been submitted by the property owner. It was not accompanied by a development plan submittal, as there is no present plan to develop the properties. A sketch of the area was submitted, and a traffic count is being prepared by the attorney, using data prepared for the St. Joe Center Road construction project.

The parcels in question abut the existing shopping center on two sides. Due to heavy traffic volumes on St. Joe Center Road, and the existing private access thru the shopping center, these parcels may no longer have their best use in residential

development. Rezoning to a designated shopping center classification would give the Plan Commission jurisdiction on future development of the parcels, which may be in the best interest of all concerned.

Recommendation: Do Pass

1) The petition would represent a logical extension of existing land uses.

2) Approval is consistent with the Comprehensive Plan.

3) Approval would represent the best land use for the parcels.

THE CITY OF FORT WAYNE

26 April 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-02-19

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

GCIU 337-M

FACT SHEET

Z-88-02-19
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From B-2-A to B-2-B		

DETAILS

Specific Location and/or Address

Northwest corner of Cook & Coldwater Roads

Reason for Project

Enlargement of existing shopping center.

Discussion (Including relationship to other Council actions)

18 April 1988 - Public Hearing

Mike Boyers, with Northill Development Corp., stated they have approximately 20± acres they are asking to rezone. He stated the present B2A zoning only allows a maximum of 30,000 sq ft for an anchor tenant and a total of 109,000 sq ft gross floor area for the center. He stated the B2B allows an anchor tenant up to 60,000 sq ft with a total of 218,000 sq ft gross floor area. He stated the primary reason for the request is to allow an anchor store of 49,080 sq ft. He stated that the overall gross floor area would be 113,680 sq ft but the anchor tenant would far exceed what is allowed in the present B2A zoning. He stated that they are at present in negotiations with the anchor tenant and they cannot live with the allowed 30,000 sq ft and therefore they are requesting the rezoning.

Janet Bradbury stated that staff speaks to the traffic needs in the area with regard to a tangent land, an adequate left turn and stoppage lane as well as a stop signal. She questioned if they were willing to pay for those improvements.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Northill Development Corp **City Department** **Other**
Opponents	**Groups or Individuals** Burl Rawlins, 8031 Sweetfern Clay Tice, 8032 Sweetfern Chas Chapman, 501 Riley Dr **Basis of Opposition** -increase traffic congestion in area
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

Mr. Boyers stated that they had spoken with the Driveway Committee and that they are willing to cooperate with what they have asked for. He stated that they have requested the traffic signal which they are going to pay for.

Clay Tice, 8032 Sweetfern Lane;
Burl Rawlins, 8031 Sweetfern Lane;
Chas Chapman, 501 Riley Drive, appeared in opposition to the requested rezoning. They felt this increased size of the center would create even more traffic congestion in the area, which they stated was already heavily congested. They also felt the need for another supermarket of the stated size was unnecessary in the area.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the six (6) members present 5 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 10 September 1988

Projected Completion or Occupancy Date 26 April 1988

Fact Sheet Prepared by Date 26 April 1988

Patricia Biancaniello

Reviewed by Date 5/4/88

Gary Barton

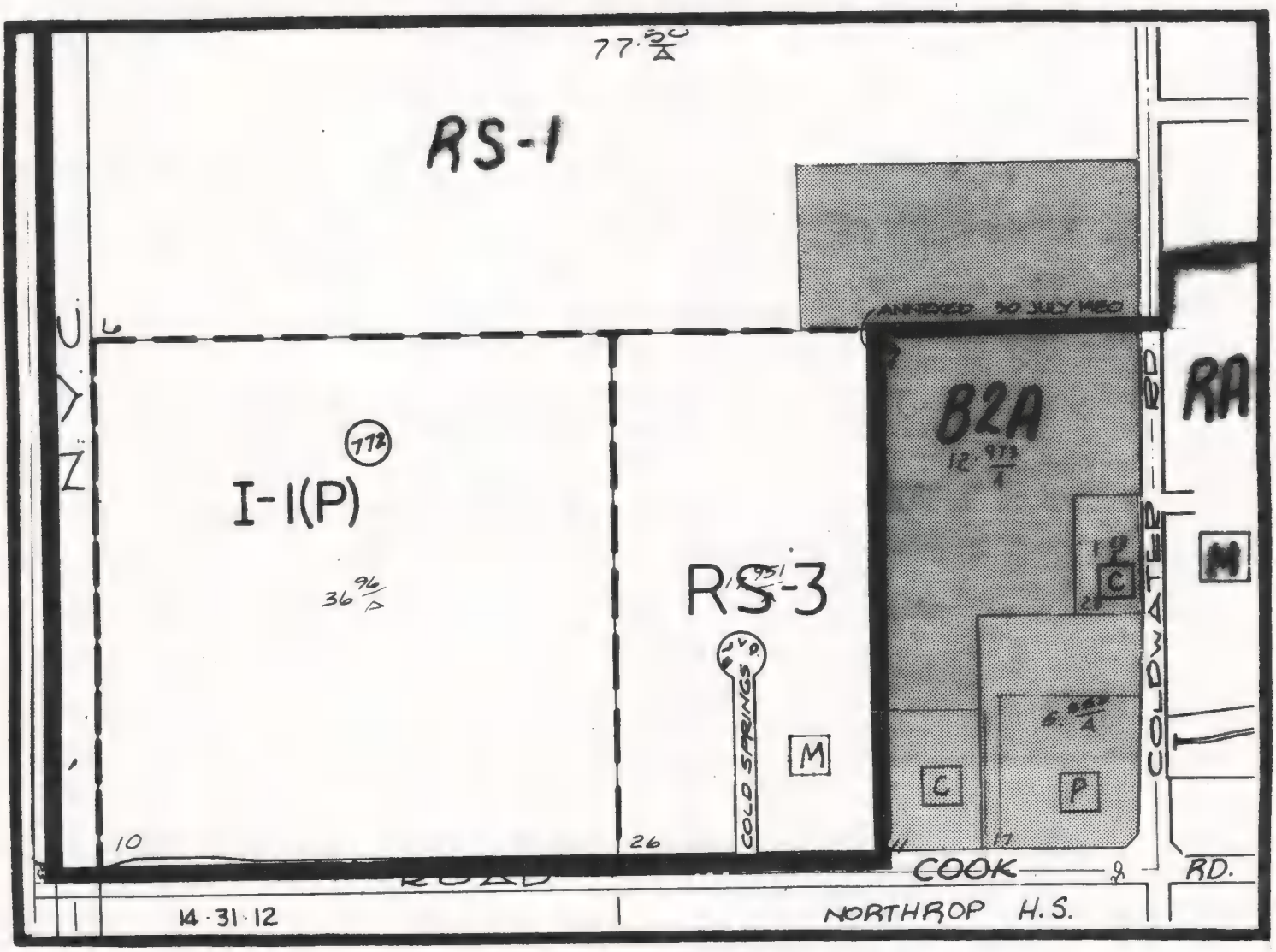
Reference or Case Number

REZONING PETITION #324

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B2A/RS-1 DISTRICT TO A B2B DISTRICT.

MAP NO. M-46

COUNCILMANIC DISTRICT NO. 3



ZONING:

B2A	PLANNED SHOPPING CENTER
I-1(P)	LIGHT INDUSTRIAL (PLANNED)
RS-1	SUBURBAN RESIDENTIAL
RA	RESIDENCE 'A'
RS-3	

LAND USE:

☐	SINGLE FAMILY
M	MULTI-FAMILY
C	COMMERCIAL
P	PUBLIC - CHURCH

L.W.

N

SCALE: 1"=300'

DATE: 9-30-87

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-02-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1988.

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

Paul E. Gunderson, agent for Northill Development Corporation, requests a change of zone from B-2-A to B-2-B.

Location:	Northwest corner of Cook and Coldwater Roads.		
Legal:	See File		
Land Area:	Approximate 27.6 Acres		
Zoning:	B-2-A		
Surroundings:	North	County	Jurisdiction applied for
	South	RA	School
	East	RA/POD	Residential / Offices
	West	County	Multi-family residential
Reason for Request:	Enlargement of existing shopping center		
Neighborhood Assoc.:	None		

Neighborhood Plan:	No comment
Landscape:	No comment
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezonings and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The Goal in the North Sector, where this request is located, is for orderly growth. Commercial uses in this area are consistent with the Comprehensive Plan.

Planning Staff Discussion:

This is the site of the existing Northrop Village Shopping Center. The new developer, is requesting this rezoning, which would allow an expansion of the existing site, and would increase the maximum square footage that a user could develop. The uses themselves would not alter, but the total square footage that could be developed would, as would the individual square footage maximums.

This area has seen recent office development, this developer is considering additional residential development to the north. This projected increased growth could potentially warrant the increases in tenant size and total area that has been requested.

Portions of this petition are outside of the current city limits, however, the Allen County Plan Commission has granted "extra-territorial jurisdiction" to the City, and the developer is discussing annexation of the property.

Recommendation: Do Pass

1) Approval will allow expansion of an existing under-developed shopping center.

2) Approval would be in keeping with the existing development in the area.

3) Approval will not create a negative impact on surrounding properties.

THE CITY OF FORT WAYNE

26 April 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right-of-way.

The proposed ordinance is designated as:

BILL NO. G-88-04-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

GCU 337-M

FACT SHEET

G-88-04-13
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Street Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

Portion of Betty Avenue between Olladale and Chochtimar.

Reason for Project

It would enable the adjacent property owners to improve their drives.

Discussion (Including relationship to other Council actions)

18 April 1988 - Public Hearing

Sue Litchfield, petitioner, stated that this portion of Betty Avenue is unimproved. She stated that if necessary they would be willing to grant the city easements rights. She informed the Commission that if vacated she and the other petitioner intended to use the area to expand and improve their driveways.

John Shoaff questioned if they intended to cul-de-sac this right-of-way, if vacated, as suggested by the staff.

Ms. Litchfield stated they had no intention of doing so.

Janet Bradbury questioned why they did not try to vacate the entire length of right-of-way between Chochtimar and Olladale, since there is a portion adjacent to Lots 33 & 54 that would dead end off of Chochtimar.

Ms. Litchfield stated that the owners of Lots 33 & 54 did not want that strip of Betty vacated.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Henry Schroeder/ Susan Litchfield City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [X] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Larry Smith, 1833 Chochtimar, stated that he was adjacent to the strip of Betty that was not petitioned for vacation. He stated that he was in favor of the portion requested being vacated, but not the portion in front of his property. Mr. Smith stated that he did not want the city to continue this street through. He stated that the portion of Betty Avenue in front of his property was improved and maintained by the City. He stated that with regard to a cul-de-sac at the end of this street, he had spoken with Traffic Engineering and had been informed of the required dimensions for a cul-de-sac. He stated that if they had to put one in they would have to encroach onto peoples property and perhaps remove garages. He stated they may have 4 or 5 cars that make a wrong turn and have to back out onto Chochtimar, but it is very rare. He stated that Chochtimar is not a main drive, Lindenwood Avenue is the main street in the area, so generally only residents of Chochtimar come down the street.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the six (6) members present 5 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

NOTE: Site Committee Report is as follows:

It is the recommendation of the Site Committ and I so move, to return this petition to th Common Council with a do not pass, for the following reasons:

1) It would be inappropriate to vacate this portion of right-of-way as there is still a potential for development on the west side of Olladale;

2) This right-of-way may be needed to allow for the orderly growth and public access needs.

Project Start **Date** 17 March 1988

Projected Completion or Occupancy **Date** 26 April 1988

Fact Sheet Prepared by **Date** 26 April 1988

Patricia Biancaniello

Reviewed by **Date** 5/4/88

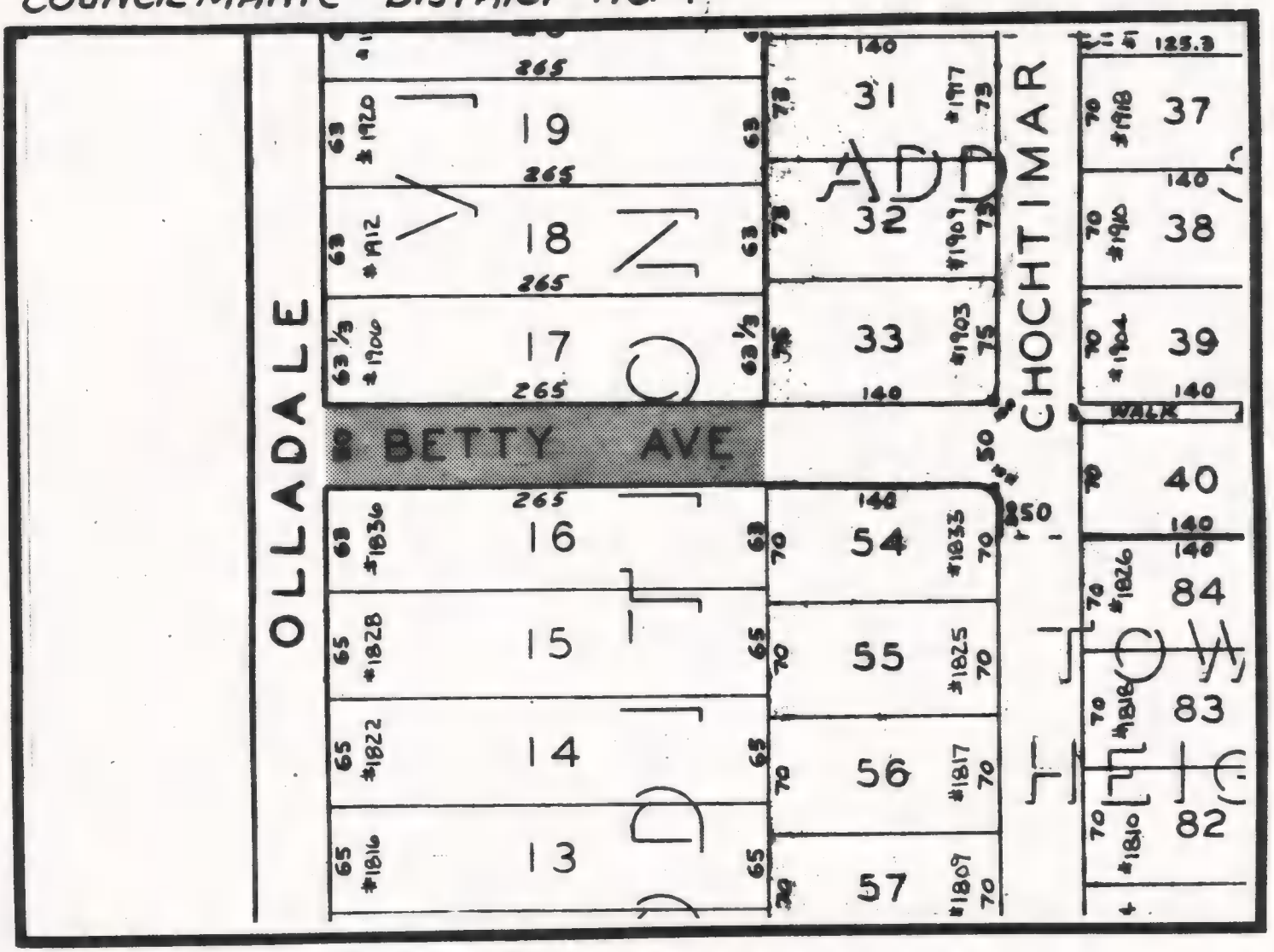
Reference or Case Number

VACATION PETITION #989

A PETITION TO VACATE THE DESCRIBED PUBLIC STREET.

MAP NO. H-14

COUNCILMANIC DISTRICT NO. 4



ZONING:

LAND USE:

N

SCALE: 1" = 100'

DATE: 3-29-88

Henry A. Schroeder and Susan L. Litchfield request the vacation of a portion of a public right-of-way.

Location: Betty Ave. off of the 1900 block of Olladale.

Legal: See File

Land Area: Approximately 13,250 Sq. Ft.

Zoning: D/N/A

Surroundings: The immediate area is zoned R-1

Reason for Request: Not stated on application

Neighborhood Assoc.: Tower Heights

Comprehensive Plan: No Comment

Neighborhood Plan: No Comment

Landscape: No comment received

Planning Staff Discussion:

This portion of public right-of-way was apparently originally required to provide a connection between Tower Heights and Tower View Additions. It has never been improved, and is not currently used.

The petitions merit is based on this right-of-way not being required for public access, nor hindering any existing access to public ways. The interconnection of streets is a public safety feature, providing access means and improved emergency services etc.

We would prefer to address the entire stretch of Betty Ave. between Chochtimar and Olladale, however, there are problems with this. Two properties in the Tower Heights Addition (on Chochtimar) have private driveways off of Betty Ave. Vacation of that portion would place the improved street into private ownership and burden those property owners with the maintenance of the surfacing. The petitioner (off of Olladale) do not have any improvements made to this right-of-way, other than their private drives.

We are hesitant to recommend approval of this request due to the concerns of public safety/access. Traffic Engineering would also object to any vacation that would create a "dead-end" street without terminating in a cul-de-sac. However, as the area has

been developed for over 20 years, and this right-of-way has not been improved (on the Tower View side), we would have to agree that the need is apparently not a high priority.

Recommendation: Conditional Approval, contingent upon the petitioners satisfying the following:

1) providing utility easements as needed,

2) construct a cul-de-sac at the end of the improved portion of Betty Ave. right-of-way, to meet applicable city standards, cul-de-sac to remain public right-of-way,

3) provide revised legal description of remaining portion of right-of-way.

All America City

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THE CITY OF FORT WAYNE

26 April 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated utility easement.

The proposed ordinance is designated as:

BILL NO. G-88-04-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

® GCIU 337-M

FACT SHEET

G-88-04-14

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
7' utility easement running along the north property line at 6103 Beaumont Drive

Reason for Project

To allow petitioner to extend existing garage.

Discussion (Including relationship to other Council actions)

18 April 1988 - Public Hearing

John Diamond, petitioner and property owner stated that he was requesting the vacation or a portion of it to allow him to extend his attached garage on the north side of his home. He stated that there are no underground utilities in the easement only overhead wires. He stated that the lines are not in his way and the addition would not interfere with them. He felt that he could coexist with the overhead wires. He stated that he would request a vacation the depth of his home be granted to allow for the addition to the garage.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the six (6) members present 5 voted in favor of the motion one (1) did not vote.

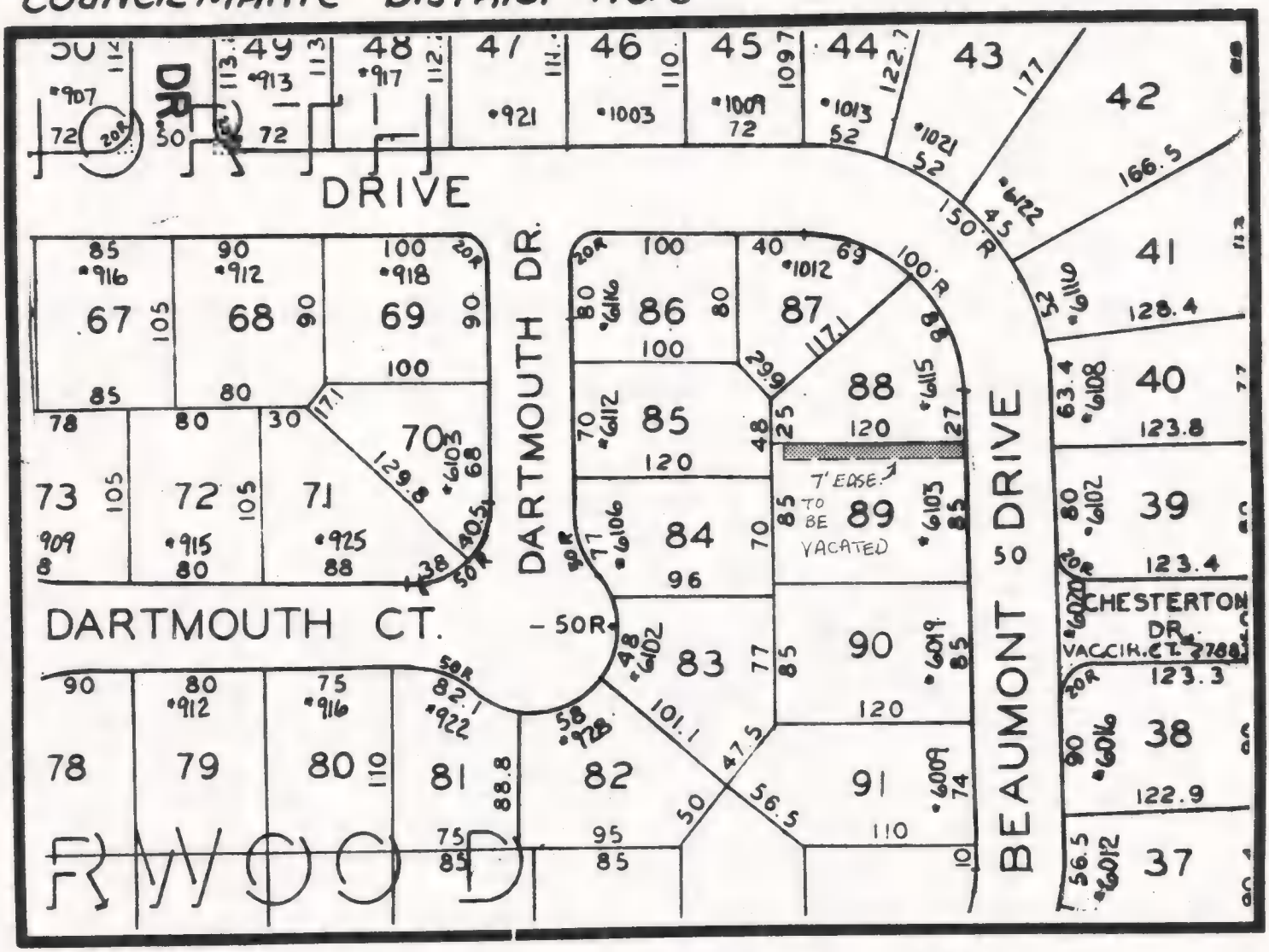
POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** John Diamond **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☒ Against **Reason Against** easement is needed for utility service
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

VACATION PETITION #335

A PETITION TO VACATE THE DESCRIBED PUBLIC EASEMENT.

MAP NO. N-38

COUNCILMANIC DISTRICT NO. 3



ZONING:

LAND USE:

N

SCALE: 1" = 100'

DATE: 3-29-88

John A. and Marie Diamond request a vacation of a portion of a utility easement.

Location: At the north property line of 6103 Beaumont Drive

Legal: See File

Land Area: Approximately 791 Sq. Ft.

Zoning: D/N/A

Surroundings: The immediate area is zoned R-1

Reason for Request: Not Stated

Neighborhood Assoc.: North Sherwood Terrace & Silver Maples Add.

Comprehensive Plan: No Comment

Neighborhood Plan: No Comment

Landscape: No Comment Received

Planning Staff Discussion:

This easement does not appear to be necessary for access purposes, nor will its vacation in any way hinder anyones access to public roadways. However, this utility easement does contain overhead utilities, and we feel that its vacation would impact property values in the area, and continued utility service.

The overhead utilities extend along the rear of the property and continue east across the street, and to the rear of lot 39. As these utilities are currently in an easement, it would not appear to be proper to replace this easement with another, or to relocate the services.

Recommendation: Do Not Pass

1) The easement is needed for continued utility service in this area.

2) Vacation would require the petitioner to replace an existing easement with another, or to relocate the services.

3) Approval would impact adjacent property values due to the need for utility services in this area.

April 27, 1988

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers:

29/88/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution(s) a matter of record and incorporate them into the minutes of the next Common Council meeting.

Respectfully submitted,

Robert K. Lane, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 29/88/D

I hereby certify that I did this 27th. day of April, 1988 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution Nos. 29/88/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.

Robert Lave

CHAIRMAN, BOARD OF PUBLIC SAFETY

REGULATORY RESOLUTION NO. 29/88/D

(Adopted April 27, 1988)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to _____

PREFERENTIAL INTERSECTION (DELEGATED)

_____

_____

_____

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 20, 19 88, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

April 27, 19 88, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Lakewood Drive --Preferential-- at Monterey Drive